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STEVEN MURRAY, and CHRISTOPHER PAISLEY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRIAN H. ROBB, Individually and an Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

FITBIT INC., JAMES PARK, WILLIAM R.  
ZERELLA, ERIC N. FRIEDMAN,  
JONATHAN D. CALLAGHAN, STEVEN  
MURRAY, CHRISTOPHER PAISLEY,  
MORGAN STANLEY & CO., LLC,  
DEUTSCHE BANK SECURITIES INC., and  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC.,

Defendants.

Case No. 3:16-CV-00151-SI

CLASS ACTION

**STIPULATION AND  
[PROPOSED] SCHEDULING  
ORDER**

1 Pursuant to Civil Local Rule 7-12, Defendants Fitbit Inc., James Park, William R. Zerella,  
2 Eric N. Friedman, Jonathan D. Callaghan, Steven Murray, and Christopher Paisley (the “Fitbit  
3 Defendants”), Morgan Stanley & Co. LLC, Deutsche Bank Securities Inc., and Merrill Lynch,  
4 Pierce, Fenner & Smith Incorporated (the “Underwriter Defendants” and together with the Fitbit  
5 Defendants, “Defendants”) and Lead Plaintiff the Fitbit Investor Group (“Lead Plaintiff” and  
6 together, with Defendants, the “Parties”), by and through their undersigned counsel of record,  
7 submit the following stipulation and proposed scheduling order:

8 WHEREAS, On December 9, 2016, the Court held an initial case management conference  
9 and scheduled a further case management conference for February 23, 2017 at 4:00 p.m. (Dkt No.  
10 139);

11 WHEREAS, the Parties are meeting and conferring about discovery issues, including the  
12 scope of an appropriate protective order, the development of an e-discovery protocol, and the  
13 scope of document discovery;

14 WHEREAS, a hearing on Lead Plaintiff’s anticipated motion for class certification is  
15 scheduled for May 12, 2017 (Dkt No. 139);

16 WHEREAS, the Parties believe it would save judicial and Party resources if the further  
17 case management conference were continued until after the Parties have engaged in further meet  
18 and confers about the scope and terms of discovery and until after briefing on Lead Plaintiff’s  
19 motion for class certification;

20 WHEREAS, the Court has previously indicated a willingness to accommodate counsel for  
21 Lead Plaintiff’s request that further case management conferences be held on Thursdays, rather  
22 than Fridays, to accommodate travel from the East Coast;

23 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
24 the undersigned Parties that:

25 1. The case management conference scheduled for February 23, 2017 at 4:00 p.m.  
26 shall be reset to April 27, 2017 at 4:00 p.m., or such subsequent date and time that is convenient  
27 for the Court.  
28

1 Dated: February 16, 2017

**POMERANTZ LLP**

/s/Murielle J. Steven Walsh

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*Co-Lead Counsel for Plaintiffs*

1 Dated: February 16, 2017

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9 *Steven Murray and Christopher Paisley*

10 Dated: February 16, 2017

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20 *Counsel for Defendants Morgan Stanley &*

*Co. LLC, Deutsche Bank Securities Inc., and*

21 *Merrill Lynch, Pierce, Fenner & Smith*

*Incorporated*

**ORDER**

1  
2           1.       The case management conference scheduled for February 23, 2017 at 4:00 p.m.  
3 shall be reset to April 27, 2017 at 4:00 p.m.

4  
5 DATED: 2/17/17



The Honorable Susan Illston  
United States District Judge

**ATTESTATION**

I, Ryan M. Keats, am the ECF User whose ID and password are being used to file this  
**STIPULATION AND [PROPOSED] SCHEDULING ORDER.** In compliance with Civil L.R.  
5-1, I hereby attest that Murielle J. Steven Walsh and Jonathan Rosenberg concurred in this filing.

\_\_\_\_\_  
/s/ Ryan M. Keats